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SUPREME COURT, U.S.

IN THE

SUPREME COUT OF UNITED STATES

FALL TERM 1980

No. **80-6541**

LYLE H. PRENZLER,

Appellant/Plaintiff,

vs.

STATE BAR OF ARIZONA,

Appellee/Defendant.

MOTION FOR LEAVE TO PROCEED FORMA PAUPERIS

Lyle H. Prenzler motions to proceed in Forma Pauperis and supports said motion under 28 USC 1915(a,b,c,d,e)

A F F I D A V I T

State California)
)ss.
County of Orange)

I, Lyle H. Prenzler, being duly sworn, depose and say;
I am the applicant in above entitled action and support my application for leave to proceed without being required to prepay costs or fees or provide surety and say:

1. I am a pauper wholly because of the multiple vexatious actions herein compounded by errors in recording filing fees directly resultant therefrom; by which I am denied redress and had judgments compounded.
2. I am I believe dntitled to redress and my cause meritorious.
3. The nature of the cause in brief is a procedural error by which I have been denied redress, equal rights, in eppleader rights and injunctive relief amonst others.

Dated: April 13, 1981

LYLE H. PRENZLER

NOTARY PUBLIC

MY COMMISSION EXPIRES.
Nov. 17, 1983

OFFICIAL SEAL
CONWAY J. BEAVER
NOTARY PUBLIC—CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires November 17, 1983

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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1980

No. **80-6541**

STATE CALIFORNIA)
) SS.
COUNTY OF ORANGE)

I, Lyle H. Prenzler, being first duly sworn, depose and say: I have today mailed to Rolle, Jones, Benton, Cole PO Box 5240 Yuma Arizona 85364 one single unprinted copy; all parties have been served, and the Solicitor General, Department of Justice, Washington, D.C. 20530; and constitutionality of Acts of Congress are drawn in question and affect the public interest. The United States is a party to related actions, and 28 USC 2403 may be applicable; and no party has certified to Attorney General. First Class Mail by depositing in U.S. Mail Postoffice with first class postage prepaid; addressed to counsel of record at their post office address.

Dated: April 13, 1981

LYLE H. PRENZLER

NOTARY PUBLIC

MY COMMISSION EXPIRES.

Nov. 12, 1983

OFFICIAL SEAL
CONWAY J. BEAVER
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires November 12, 1983

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OCTOBER TERM 1980

No. 80-6541

LYLE H. PRENZLER,

Plaintiff/Appellant,

vs.

STATE BAR OF ARIZONA,

Defendant/Appellee,

JURISDICTIONAL STATEMENT

QUESTIONS PRESENTED RULE 15,12

1. This Appeal has been paid by Money Order dated April 22, 1980 and receipted April 29 1980?
2. If the Appeal has been paid is dismissal for frivolous per 28 USC 1915(d) possible in Order of May 23 1980 and for rehearing of February 27, 1981?
3. Is the refusal to consolidate this case with all other related actions concerning and involving common questions of law or fact pending before the Federal Court and within the jurisdiction of this Court a discriminatory act in excess of jurisdiction and tending to cause unnecessary costs and delay which re impoverishing the Appellant and his family? FRCP 42(a).
4. Is it proper to proceed without all indispensable parties before the Court in this Interpleader action; as an abuse of discretion and without subject matter and persona jurisdiction?
5. Has the statute 28 USC 1359 beeen reversed to bring some actions in State Court instead of Federal Court by collusive joinder by assignment or otherwise and is chose in action discriminatory by excluding transfer of property interest?

LIST OF ALL PARTIES

Parties in this action are the State Bar of Arizona who it is contended has failed to maintain high professional standards amongst its members and thus has discriminated in prices goods and services pursuant to 15 USC 13 against the Appellant who is a nonresident of Arizona; resident of California ; as recognized by the US Constitution Article 3 Section 2; and by failure to consolidate; multiple vexatious actions brought by intent to defeat the Appellant, regardless of merit; and this dismissal continues to defeat the Appellant and under 42 USC 1980, 18 USC 241 et al.; and is due to error or intention as compounded by multiple similar procedural acts against Appellant in non-consolidted related proceedings; involving the broker of real estate transaction, the attorney purchaser from Appellant, sellers to Appellant and assignees of said sail; attorneys; care people; ranch evaluators, et al.; and due process under statutes for interpleader refusal of which have tripled judgments on supposed same liabilities and Appellant denies all liability and is entitled to injunctive relief refused; and all redress refused for error in noting payment of filing fees on appeal and dismissal as frivolous for same error.

JURISDICTION

This appeal is filed and these proceedings are instituted under 28 USC 1402(a)(1); 18 USC 1252; 28 USC 2101(c); 28 USC 2361, 1335, 1397; 15 USC 1-15,77,78; 18 USC 241,241; 42 USC 1983,1985, 1980 and 28 USC 1343; 28 USC 1915;

The cases believed to sust in the jurisdiction are;

1. Fletcher v Yound CAMd 1955 222 F2d 222;
2. Morris V Radio Station WENR CA(1953) 209 F2d 105;
3. Lesnik v Public Indus. Corp. 144 Fed 968;
4. John Hancock Mutual Co. v. Kraft 200 Fed 952;

INVOLVED CONSTITUTIONAL PROVISIONS AND STATUTES

FIFTH AMENDMENT

Not be deprived of life, liberty, property without due process of law;

Nor shall any person be subject for same offense be twice put in jeopardy of life or limb.

FIRST AMENDMENT

Congress shall make no law abridging freedom speech or right to petition for redress of grievances.

STATEMENT OF CASE

This alleged misconduct by members of Bar in Arizona while in fiduciary relationship and subject to highest standards of professional conduct to Appellant; is the result of acts or omissions in negligence by said Bar; and resultant errors in this Case for failure to not receipt of money for appeal in Ninth Circuit; and basically due to failure to consolidate and interplead this action where all elements pleaded and to provide injunctive relief to Appellant; and discriminatory acts of collusive joinder in chose in action assignments which have allowed discriminatory acts and judgments in state courts while same liabilities; which Appellant denies brought in federal court and triple damages and judgments on same denied liabilities due to violation 28 USC 1359. This appeal has been dismissed for failure to pay filing fees on appeal when such had been paid.

STATEMENT OF REASONS QUESTIONS SUBSTANTIAL

This appeal and multiple other appeals should not be dismissed for the confusion in filing fees and appeals on causes related involving common questions of law and fact where consolid tion refused thus causing unnecessary costs or delay. (FRCP)42(a); which involves all other discriminations pleaded including interpleader, injunction, denial equal right civil rights, collusive joinder and assignments, and without joinder of indispensable parties FRCP 12 and thus denied redress and due process and discriminated as noncitizen of Arizona Article 3&4 Sections 2 US Constitution. Has the United States aided and abetted the intent of the adverse parties by denial of Constitutional rights, privileges and immunities to Appellant citizen of the United States; as a result of error of Court in failing to note payment of filing fees on appeal caused by said lacks of consolidation et al.; and will such acts impair rights of appellant litigant to prevent prejudice to his civil rights or those similarly

situated.

CONCLUSION

For all these reasons this case should be reviewed on the merits.

Dated: April 13 1981

LYLE H. PRENZLER, PRO SE

715 East Chapman Avenue
Orange, California 92666
714 639 1701

VERIFICATION

STATE OF CALIFORNIA)
)SS.
COUNTY OF ORANGE)

I, declare under penalty perjury that the hereinabove is truthful, to my knowledge, belief and contention.

April 13, 1981

LYLE H. PRENZLER

LYLE H. IRINZLER, M.D.
715 East Chapman Avenue
Orange, California 92666
714 639 1701

RECEIVED
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CLERK, U.S. COURT OF APPEALS

APR 9 1981

TO
FORWARDED DATE INITIAL

COURT OF APPEALS OF THE UNITED STATES
FOR NINTH CIRCUIT

LYLE H. IRINZLER,	)	
Plaintiff-Appellant,	)	No. 80-5255
vs.	)	D.C. # CV79-2614 MR
STATE BAR OF ARIZONA,	)	CENTRAL CALIFORNIA
Defendant-Appellee.	)	NOTICE OF APPEAL REQUEST FOR EXTENSION TIME TO APPE

Lyle H. renzler, appeals the Order of February 27, 1981 IN THE ABOVE CAUSE to the U.S. Supreme Court, 28 USC 2101 (c), and Regests time to extend appeal; for denial of equal rights and contrary to 15 USC77 for denial of redress for inability to pay all fees in multiple litigations in which need to defend regardless of merits--for denial interpleader rights and refusa to consolid te; and severing this ction which by denial of hearing has a res judicata effect and a decision against appe'l

April 6 1981

LYLE H. IRINZLER PRO SE

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

FEB 27 1981

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

LYLE H. PRENZLER,

Plaintiff/Appellant,

vs.

STATE BAR OF ARIZONA,

Defendant/Appellee.

No. 80-5255

D.C.#CV79-2614 MR
CENTRAL CALIFORNIA

ORDER

Before: WRIGHT and SKOPIL, Circuit Judges.

Upon due consideration, appellant's petition for rehearing of this court's May 23, 1980 order and petition for refund of docket fee are denied.

LYLE H. PRENZLER M. D.
718 E. CHAPMAN
ORANGE, CALIFORNIA 92666
PHONE (714) 639-1701

UNITED STATES COURT OF APPEALS
CHIEF JURSTICE
7th at Mission STS.
San Francisco, CA 94101

RE: PAYMENT FILE CASE DC LA 78-3702; 9TH 80-5234
LA 79-2014 9th805255PHX 74-307; 9TH 80-5227
This case was paid for appeal to District Court check 202, 4 20 80 for $70.00, receipted by the Court 4 29 80 and for the same appeal to Court of Appeals by Money Order Golden State Bank no. 10 8590800 for $70.00 for same appeal which was dismissed as frivolous pursuant to Rules of this Court rule 00,39 and 12 and Fletcher v. Young CAMd(1955) 222 F2d 222, for failure to pay filing fees on appeal. May I have refund of these moneys. Further in case 70-37 and 70-148 PHX appeal filed denied for failure of filing fee when over $420 on deposit in this Court for filing fees all of which have been denied in subsequent ruling in case 74-307 PHX and 79-2013 LA; by check 251 dated 4 3 80 to Court of Appeals 9th for $70.00 and Money Order Golden State Bank 15 8590804 dated April 22, 1980 to Court of Appeals Ninth same appeal 9th No. 80-5227. Further and this case dismissedwithout noting payment fees. Case 80-5255 Ninth dismissed for failure to pay filing fees May 23, 1980 when in fact check 252 for $70.00 4 10 80 receipted by District Court LA 792014 on 4 17 80 for $70.00 and sam appeal paid by Money Orde Golden State Bank 10 8590865 422 8 for $70.00. All above checks and Money Orders have been paid and receipted by endorsement by the Courts. A letter in regard to this error to the 9th Court of Appeals, the District Court PHX and La on April 21, 1980.

May I have your reply.

Signed: _____
LYLE H. PRENZLER, M.D.

DATED: June 17, 1980

CC: US District Court PHX
" LA

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LYLE H. PRENZLER,

Plaintiff/Appellant,

vs.

STATE BAR OF ARIZONA,

Defendant/Appellee.

No.80-5255

D.C.#CV79-2614 MR
CENTRAL CALIFORNIA

ORDER

FILED

MAY 23 1980

RICHARD H. DEANE
CLERK, U.S. COURT OF APPEALS

Before: WRIGHT and SKOPIL, Circuit Judges.

Upon due consideration, the motion for leave to proceed in forma pauperis is denied and this appeal is dismissed as frivolous. 28 U.S.C. § 1915(d).

Mo Cal 5/19/80

LIST OF PARTIES WITH VESTED

INTEREST IN OUTCOME OF APPEAL

Local Rule 13

Appeal

1. SPENCER & SPENCER
2. DVR Corporation
3. DCP Corporation
4. Stewart Title & Trust
5. Allen Biclart
6. Robert Allen
7. Timothy Tweeton
8. Henry Watkins
9. Equitable Life Assurance Corporation
10. Lyle Whitmer
11. Vera Kamrath
12. Fred Kamrath
13. Homer Reed
14. Yuma Realty
15. Sunkist Corporation
16. R. Keith Pike
17. Josephine Pike
18. Karl Menath
19. Margaret Menath
20. Conrad J. Kleinman
21. Lucille Kleinman
22. Alvin J. Ufkes
23. ThomasA Thode
24. Aetna Life Ins. Co.
25. United States Government
26. County of Yuma Arizona
27. State Bar of Arizona
28. Maricop County Arizona
29. State of Arizona
30. Parties Case No 38705, Yuma Superior Court Arizona

4-17-80

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LYLE H. PRENZLER,

Plaintiff-Appellant,

vs.

Case No. 80-5255

STATE BAR OF ARIZONA,

Defendant-Appellee,

APPELLANT'S OPENING BRIEF

STATEMENT OF THE ISSUES

This Appeal is from the Judgment of March 24, 1980 in the above Cause, with Notice of Appeal of March 29, 1980, based mainly upon the denial in natureof injunctive relief, and denial of equal protecti n of the laws statutes, acts Congress, and U.S.Constitution and said Judgment lacked specification and grounds, which limits this appeal to Report and Recommendation of Magistrate of March 4, 1980. No response has been had to Objection to Report and Recommendation of Magistrate by Appellant of March 10, 1980. The Complaint for Damages of July 2, 1979 was not filed or derved and on Order for Status Report of September 25, 1979, to show cause why Case Should Not be Dismissed, even though pendent actions where appellant was defendant, havenot been triad over five years from 74-307 PHX filing and another cases appellant judged against for failure to prosecute over 2½ years from filing, all in direct evidence of 76-57, 76-148 PHX

discrimination against this appellant, which is supported by the within above described Court Orders and Judgments, all of which are prejudicial to the appellant, by the Court that is prejudiced against appellant, to which affidavit is attached, and this Case is in the nature of an interpleader action pursuant to Federal Rules of Civil Procedure, Rule 22(1)(CT Order and Report Magistrate Page 1) and 28 U.S.C. 2361; Federal Rules of Civil Procedure Rule 65; 28 U.S.C. 2283, 1651; in argument agains the contention of Judgment that this Court lacks jurisdiction because of, as in paragraph III, this Court lacks personal jurisdiction:

> "a district court may issue its process for all claimants in any civil action of interpleader and enter its order restraining them from instituting or prosecuting any proceeding in any State or United States court affecting the property instrument or obligation involved in the interpleader action"
> 28 U.S. C. 2361

and may be brought in the judicial district of the stakeholder's appellant, herein, if single, residence. Georgia Savings Bank & Trust Co. v. Sims, 321 F.Supp. 307; indeed when claimants are residents of different states, as herein,(Pennsylvania, Arizona) it must be brought there, unless one of claimants resident of the district as 28 U.S.C. 2361 and Federal Rules of Civil Procedure 22(1), and such claims as in Paragraph III of Report and Recommendation concerning defendant property outside of State of Arizona and minimum contacts is ambiguous, vague and not to the point as in Objection to Report and Recommendations.

It is affirmatively pleaded that there are multiple vexati-

ons to appellant by a class of co-conspirators and without injunctive relief this appellant would and has suffered irreparable injury. and the specific cause of action is pleaded, specific appearance of a general nature has been had by defendant, "whether pleading or motion is a submission to jurisdiction depends on substance of objection" Federal Rules of Civil Procedure, Rule 12; Page 653 Witkins 2nd California Procedures, or a motion on some ground other than lack of jurisdiction Roberts v. Superior Court 30 CA 714,720 or motion to transfer; Family Law Rule 1235; motion for change of venue pursuant to 396(b)Cal. Cod. Civ. Proc. It is has been pleaded that joinder pursuant to Federal Rules of Civil Procedure Rule 21 permits joinder of any party or action, and this is nature of an ancillary proceeding against a class of co-conspirators as Federal Rules of Civil Procedure Rule 23.

The supposed res judicata is based upon a surreptitious action by the court in Case 79-0074; paragraph II of Report and Recommendation of Magistrate; to transfer a class action to which an appeal was requested and permission granted to appeal prior to transfer--as noted in the paper recording court proceedings in March 26, 1979 pursuant to Federal Rules of Civil Procedure Rule 10(c)submitted on March 27, 1979 in that proceeding, and appeal made prior to transfer relieving the Arizona Court of jurisdiction to enter its obviously prejudiced Orders to charge the appellant bond approximating $2000 for each and every party, and this Court has been named in the party and class of co-conspirators designed to conspire to eliminate this appellant as an adverse party by making legal fees and bonds so great, as herein, that he would not be able to continue to seek redress.

This same pleading was in Phoenix Court by a Dr. Piethrich and was not dismissed for "lack of specific facts and for conclusory allegations" as in paragraph 1 of Discussion in Report and Recommendations of Magistrate, nor has any motion by the Court been had to permit amendment of pleadings as in Rule 15(a), Federal Rules of Civil Procedure and "leave to amend shall be freely given" rather than dismissing the complaint without hearing or trial or consolidation, in denial of due process of law, equal rights and equal protection as Article 3,4 and Amendment V,VI,IV,VII,I,XIV of the United States Constitution; et al., as herein.

The "claims or titles of the conflicting claimants may be entertained as an action although they do not have a common origin, or are not identical, but are adverse to ande independent of one another," 28 U.S.C. 1335(b). Such has been affirmatively pleaded, and are part of the Complaint; and the district court has original jurisdiction "of any civil action of interpleader or in the nature of interpleader, 28 U.S.C. 1335(a).

This appeal is "appealable by virtue of its injunctive provisions". John Hancock Mutual Life Ins. Co. v. Kraft 200 Fed 952 and the recognized power of the Federal courts to stay proceedings such injunction is provided also consolidation with ancillary proceedings, provided by 28 U.S.C. 1397, 1335, 2361, and this appellant has been made a defendant in a diversity action commenced by one of the claimants; therefore, entitled to extraordinary advantages of nationwide service and nationwide injunctive relief under Rule 22(1) Federal Rules of Civil Procedure, a "plaintiff-claimant named by the stakeholder (appellant) in his counterclaim or in natur of counterclaim (as herein) cannot object to venue of

of that counterclaim in the district in which he sued the stakeholder. Lesnik v. Public Indus Corp., 144 Fed 968. Further the Hearing of March 20, 1979 in case 79-0074, hereinabove, noted that the class of co-conspirators' indispensable party was the Kamraths who were not present or represented and such judgment as made was without jurisdiction of the Court:

> "The failure to join an indispensable party is a matter of jurisdiction that may be raised at any time by trial court or even the appellate court on its own motion and court must dismiss the action (rather than transferring) if an indispensable party is not joined". Peerless Ins. Co. v. Sup. Court 6 CA3d 358,

That Court was without jurisdiction:

> "The court has personal jurisdiction over some parties but cannot even proceed as to them unless the absent parties are brought in; in other words, it is powerless to adjudicate the cause until all indispensable parties are before the court; accordingly prohibition will lie to restrain trial until indispensable parties can be brought in or action dismissed. Bank of California V. Sup. Ct. 16 C2d 516, 522.

This dismissal is determinative of cause and against this appellant and therefore appealable. Lincoln v. Superior Court (1943) 22 C2d 304. Further to have dismissal with prejudice is an excess of and beyond this determination against appellant, jurisdiction and other evidence of the prejudice of this Court against appellant.

STATEMENT OF THE CASE

This action arises from a rescission on 20 acres of citrus property in Yuma County Arizona by the purchaser from appellant 3 years after purchase, in which supposedly the same representation was made as to appellant in purchase 3 years before, in which there has been three judgments for the same liability by the purchaser, in 1973; by purchasee in 1970 nd for care while in possession of purchaser, in which party and class of co-conspirators have entered into unauthorized stipulations, failed to represent, make appearances, failed to bring in indispensable parties, had judgments pursuant to local rule 42 in Phoenix, where appellant has been denied appeal because he has failed to comply with unauthorized stipulations, and therefore, triple damages for same liabilities and discrimination against this appellant and denial of equal protection of laws, and violation of stated acts of Congress, violations of stated statutes, and denial of right to equal civil rights in statutes and Constitution of United Staes. The defendant; herein, is a member of this class of co-conspirators, in this action of multiple vexations in which the appellant has been denied injunctive relief in this action in the nature of interpleader and thus immediately and irreparably injured, and appellant is rightfully stakeholder between the 1970 and 1973 sales, hereinabove, and all other parties of co-conspirators.

ARGUMENT

PRIMARY

Appellant contends that this action is against a class of co-conspirators, of which defendant is a member of the class, in this action in nature of interpleader for violation of multiple

ws, statutes, acts of Congress and U.S. Constituion to conspire o deprive the appellant to his right to equal civil rights, and tortious acts and violations of interstate commerce and monopoly laws. That the Court, herein has acted above and beyond discretion and conspiratorially as a member of this class to be prejudiced against appellant and this Judgment is evidence of this continuing discrimination against appellant.

CONCLUSION

Declaratory judgment is sought to have the Judgment of the Trial Court reversed, all parties and actions joined and early trial on all pendent actions, bringing in the indispensable parties, and injunctive relief of a preliminary type, followed by permanent injunction to prevent any of the claimants from proceeding further against this appellant and to prevent the actions against the personal property of this appellant and further multiple vexatious actions.

> "the problem of res judicata normally arises in connection with judgments after jurisdiction has been found to exist and seldom when there has been merely a failure to adjudicate." Los Angeles v. Superior Court 128 C.A. 522 (1928).

Dated: April 7, 1980

LYLE H. PRENZLER PRO SE
715 East Chapman Avenue
Orange, California 92666
714 639 1701

STATE CALIFORNIA ss AFFIDAVIT
COUNTY ORANGE

Lyle H. Prenzler, being sworn, deposes and says that this Court is prejudiced against me, and is a co-conspirator herein.

Dated: April 7th 1980

LYLE H. PRENZLER

My Commission expires 10/3/83

NOTARY PUBLIC

OFFICIAL SEAL
DOROTHY M. BANTA
NOTARY PUBLIC — CALIFORNIA
PRINCIPAL OFFICE IN
ORANGE COUNTY
My Commission Expires Oct. 3, 1980

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1

...ED STATES DISTRICT COURT CENTAL CALIFORNIA

LYLE H. PRENZLER,

Plaintiff,

vs.

STATE BAR OF ARIZONA

Defendant.

NO. 79-2614

EX PARTE PETITION FOR REFUND OF FILING FEE.

Lyle H. Prenzler requests refund of $70.00 filing fee for appeal 80-5255, U.S. Court Appeals Ninth, twice paid by check No. 252 dated April 10, 1980, receipt dated Clerk's Office U.S.D.C. Los An eles, copy enclosed, 0256 4/17/80; and by Personal Money Order Form Republic Federal Savings No. 168530865 dated April 22, 1980.

Dated: April 24, 1980

LYLE H. PRENZLER
PRO SE
Plaintiff-Appellant

CV79-2614
the District Court Records indicate receipt of only one payment of $70.00 on 4-17-80 per Attached Receipt. We are returning the enclosed Money Order for $70.00 CV79-2614. Also enclosed is receipt for payment of $70.00 for Case 78-3702.